

AN ACT

relating to regulation of outdoor lighting in certain areas;  
providing a criminal penalty and for injunctive relief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 229, Local Government Code, is amended  
by adding Subchapter B to read as follows:

SUBCHAPTER B. REGULATION OF OUTDOOR LIGHTING

Sec. 229.051. DEFINITIONS. In this subchapter, "major  
astronomical observatory" and "outdoor lighting" have the meanings  
assigned by Section 240.031.

Sec. 229.052. APPLICABILITY. (a) This subchapter applies  
to a municipality located in a county any part of which is located  
within 57 miles of a major astronomical observatory at the McDonald  
Observatory.

(b) This subchapter does not apply to:

(1) outdoor lighting in existence or under  
construction on January 1, 2012; or

(2) the installation, maintenance, repair, or  
replacement of outdoor lighting owned or operated by an electric  
utility as defined by Section 31.002, Utilities Code.

Sec. 229.053. REGULATION OF OUTDOOR LIGHTING. (a) The  
governing body of a municipality by ordinance shall regulate the  
installation and use of outdoor lighting.

(b) An ordinance adopted under this section must be designed

1 to protect against the use of outdoor lighting in a way that  
2 interferes with scientific astronomical research of an  
3 observatory.

4 (c) In the ordinance, the governing body may:

5 (1) require that a permit be obtained from the  
6 municipality before the installation and use of certain types of  
7 outdoor lighting in a regulated area;

8 (2) establish a fee in an amount to cover the costs of  
9 administering the issuance of the permit;

10 (3) prohibit the use of a type of outdoor lighting that  
11 is incompatible with the effective use of an observatory;

12 (4) establish requirements for the shielding of  
13 outdoor lighting; and

14 (5) regulate the times during which certain types of  
15 outdoor lighting may be used.

16 (d) The governing body may apply more stringent standards  
17 for areas in which the use of outdoor lighting has a greater impact  
18 on observatory activities.

19 (e) The governing body may adopt an ordinance under this  
20 section only after conducting a public hearing on the proposed  
21 ordinance. The governing body shall give at least two weeks' public  
22 notice of the hearing.

23 Sec. 229.054. REGULATION OF SUBDIVISIONS. (a) The  
24 governing body of a municipality by ordinance shall establish  
25 standards relating to proposed subdivisions to minimize the  
26 interference with observatory activities caused by outdoor  
27 lighting.

1        (b) The governing body may not approve a subdivision plat  
2 unless the plat provides that outdoor lighting will comply with  
3 standards adopted under this section.

4        Sec. 229.055. ENFORCEMENT; PENALTY. (a) A municipality  
5 may sue in any court to enjoin a violation of this subchapter.

6        (b) A person who violates an ordinance adopted under this  
7 subchapter commits an offense. An offense under this section is a  
8 Class C misdemeanor.

9        SECTION 2. Section 240.032(a), Local Government Code, is  
10 amended to read as follows:

11        (a) The ~~[On the request of the director of McDonald~~  
12 ~~Observatory, the]~~ commissioners court of a county, any part of  
13 which is located within 57 miles of a major astronomical  
14 observatory at the McDonald Observatory, shall ~~[may]~~ adopt orders  
15 regulating the installation and use of outdoor lighting in any  
16 unincorporated territory of the county.

17        SECTION 3. Section 240.033, Local Government Code, is  
18 amended by amending Subsection (b) and adding Subsections (c) and  
19 (d) to read as follows:

20        (b) The commissioners court of a county, any part of which  
21 is located within 57 miles of a major astronomical observatory at  
22 the McDonald Observatory, shall adopt orders establishing  
23 standards relating to proposed subdivisions to minimize the  
24 interference with observatory activities caused by outdoor  
25 lighting.

26        (c) The commissioners court of a county, any part of which  
27 is located ~~[ex]~~ within five miles of a major astronomical

1 observatory at the George Observatory or the Stephen F. Austin  
2 State University Observatory, may adopt orders establishing  
3 standards relating to proposed subdivisions [~~in order~~] to minimize  
4 the interference with observatory activities caused by outdoor  
5 lighting.

6       (d) A [The] commissioners court that adopts orders under  
7 this section may not approve a plat of a proposed subdivision that  
8 does not meet the standards established in the orders:

9       SECTION 4. Chapter 229, Local Government Code, is amended  
10 by designating Sections 229.001, 229.002, and 229.003 as Subchapter  
11 A and adding a heading for Subchapter A to read as follows:

12       SUBCHAPTER A. REGULATION OF FIREARMS AND EXPLOSIVES

13       SECTION 5. Section 240.031(3), Local Government Code, is  
14 repealed.

15       SECTION 6. This Act takes effect January 1, 2012.

H.B. No. 2857

David Newhall

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 2857 was passed by the House on April 21, 2011, by the following vote: Yeas 145, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2857 on May 27, 2011, by the following vote: Yeas 141, Nays 1, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2857 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 25, Nays 6.

Patricia Spaw

Secretary of the Senate

APPROVED: 17 JUN 11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK

Don Edwards  
JUN 17 2011  
Secretary of State